

# **KENTUCKY BOARD OF RESPIRATORY CARE**

## **MINUTES**

October 9, 2008

A meeting of the Kentucky Board of Respiratory Care was held at 5:35 p.m., at the KBRC Conference Room, 2624 Research Park Drive, Room 304, Lexington, KY on Thursday, October 9, 2008.

### **MEMBERS PRESENT**

Dr. Byron T. Westerfield, Chair  
Tami McDaniel, Vic-Chair  
Klaus Becker  
Pat Fisher  
Dr. Abdi Vaezy  
James P. Bronson, Jr.  
Jeff W. Knight

### **KBRC STAFF**

Peggy Lacy Moore, Executive Director  
Rick L. Rose, Administrative Assistant

### **OTHER**

Cheryl Lalonde, AAG  
Anna Jones & Wade Root  
Stephanie Thompson, CLEAR

Dr. Westerfield, Chairman called the meeting to order at 5:40 p.m., at the Board's conference room, in Lexington, KY.

### **Minutes**

Klaus Becker moved to approve the August 14, 2008 minutes; seconded by Tami McDaniel. Motion carried unanimously.

Dr. Westerfield called on Stephanie Thompson of the CLEAR organization for her presentation and what programs CLEAR conducts for board members and investigators. Many state agencies send their investigators to CLEAR training.

Dr. Westerfield presented awards of service to former Board members Anna Jones and Wade Root for their past service to the KBRC and the Commonwealth.

### **Report from CEU Committee - Continuing Education**

Pat Fisher stated she had reviewed and approved quite a few CEU submissions since the last meeting and it seems to her that folks are getting courses to us more timely. Mrs. McDaniel stated if a therapist joins the AARC they can get 24 CEU's for \$95 which is a real bargain. Mr. Rose added we have had a lot of folks calling and reviewing the CEU information on the website that is continually updated.

Mr. Bronson offered his help in reviewing the 2009 audit renewal applications.

### **Agreed Orders:**

**Shirley Henderson KY # 0086 Agreed Order 5/20/05 & Amendment 10/16/06**

Ms. Lalonde reported Shirley Henderson is compliant and her case is pending.

**Katrina A. Baker KY # 0208 – AO 4/20/06; Amended 3/16/07 & 8/9/2007; AO 3/18/07**

Ms. Lalonde advised Katrina Baker must eventually be able to document one (1) year of continued sobriety since signing an amended Agreed Order on March 18, 2007. Case Pending.

**Sharon Barnes KY # 0556 – AO 5/20/05 & Amended 8/17/06; March 18, 2008**

Mrs. Moore advised the Board that the Grand Jury met in Clark County, Winchester, KY on June 9, 2008 and returned an indictment against Ms. Barnes. The Board received allegations on March 20, 2008 by Nurse's Registry, her former employer, and the Winchester Police Department, that Ms. Barnes had been arrested for stealing drugs at a patient's residence in Winchester. Ms. Barnes appeared in Court on August 14, 2008 for arraignment and her sentencing has been scheduled for the end of October. The Board will await the outcome of the criminal case against Ms. Barnes. Case Pending.

**Tami D. Balser KY # 2181 – KYPRN Agreement & AO 8/13/2008**

Ms. Lalonde advised Tami Balser signed her Agreed Order on August 13, 2008. Ms. Balser reported to Mr. Fingerson that she had self medicated due to a sinus infection. The medication Ms. Balser took was not first approved by Brian Fingerson as required by her KYPRN Order. Therefore, legal counsel recommends we order an additional drug screen for Ms. Balser. It was also requested that a letter be sent reminding Ms. Balser of her obligation to comply with her KYPRN Monitoring Agreement.

**Old Business**

**Students & Temporary Folks Found Working W/O Proper Credentials in the Past**

At the last meeting Mr. Bronson requested information on students who failed to get proper credentials timely and incurred a fine. Mrs. Moore presented a list of four (4) folks that had faced fines by an Agreed Order in the past few years which comes about infrequently.

**Dennis W. Pope Revoked In MS BY AO & Pending 2009 KY Renewal # 4957**

Mrs. Moore told the Board we have not received the Agreed Order Ms. Lalonde drafted for Mr. Pope to sign and return that includes a three (3) year probation expiring September 2011. This Agreed Order was requested for Mr. Pope to maintain an active credential in KY; Mrs. Moore mailed it to Mr. Pope certified and regular mail but he has not returned it as of this date. Mr. Pope had entered into an Agreed Order in Mississippi in September 2007 for abandoning his patients and false charting. Mr. Pope agreed to surrender his license by Agreed Order in Mississippi for three (3) years expiring September 2010.

**Complaints**

Pursuant to KRS 61.810 (1) (c) and (j), Tami McDaniel made a motion for the Board to go into closed session to discuss proposed or pending litigation and individual adjudications. The motion was seconded by Jim Bronson, and carried unanimously.

Tami McDaniel moved to come out of closed session; seconded by Klaus Becker. Motion carried unanimously.

**A. Kim Deaton – KY # 3627**

Tami McDaniel made a motion to continue the case until Ms. Deaton has had an opportunity to respond to the Agreed Order that was mailed to her. The motion was seconded by Klaus Becker and carried unanimously.

**B. Lynette K. Deibel – KY # 4730**

Tami McDaniel made a motion to dismiss the complaint against Lynette K. Deibel without prejudice due to insufficient evidence after reviewing the investigator's report; motion was seconded by Klaus Becker and carried unanimously. Pat Fisher recused herself from the discussion and vote.

**C. Delrena G. Lucas – KY # 5603**

Tami McDaniel made a motion to continue the Delrena G. Lucas case for Investigator Thomas G. Floro to investigate further. The motion was seconded by Klaus Becker and carried unanimously.

**D. Richard T. Dials – KY # 3996**

Tami McDaniel made a motion to assign the Dials case to Investigator Janet R. Vogt to investigate, if she is able to do so, and report her findings at the next meeting; motion was seconded by Klaus Becker and carried unanimously.

**E. Debra Hotka & Lincoln Medical Supply Co.**

Tami McDaniel made a motion to continue the case pending Debra Hotka's response; motion was seconded by Klaus Becker and carried unanimously.

**F. Debra J. Moore – KY # 0339**

Tami McDaniel made a motion to attempt to resolve the complaint on Debra Moore informally by sending an Agreed Order revoking her respiratory license permanently; if she does not agree the case will be assigned to an investigator. The motion was seconded by Klaus Becker and carried unanimously.

**New Business**

**Jerry McCullough, CRT-NPS/CPFT, Email "Scope of Practice Question"**

Tami McDaniel replied to an email from Jerry McCullough regarding a scope of practice inquiry regarding administration of conscious sedation by RTs for respiratory procedures (e.g., bronchoscopy).

### **Schedule 2009 KBRC Meeting Dates**

The Board set the 2009 meeting dates as follows with all meetings on Thursdays commencing at 5:30 p.m., Eastern Standard Time:

*Thursday, February 19, 2009 – KBRC at 5:30 p.m.*

*Thursday, April 9, 2009 – at Sal's Restaurant at 5:30 p.m.*

*Thursday, June 11, 2009 – KBRC at 5:30 p.m.*

*Thursday, August 13, 2009 – KBRC at 5:30 p.m.*

*Thursday, October 8, 2009 – KBRC at 5:30 p.m.*

*Thursday, December 17, 2009 – at Murrays Restaurant at 5:30 p.m.*

### **2008 KBRC Fall/Winter Newsletter**

Mr. Rose presented the 2008 Fall/Winter newsletter with help from Mrs. Moore and Mr. Becker. The newsletter is posted on the KBRC website and updates can be added continually.

### **Announcements**

Dr. Westerfield thanked and commended Dr. Abdi Vaezy for his service to the Board since he was attending his last meeting. Dr. Vaezy's three year term expires on October 31, 2008. Dr. Vaezy did not desire to serve another term due to his practice and other commitments in Corbin, KY. Dr. Vaezy stated he had enjoyed his time with the Board and suggested it would be helpful for the Board to conduct an orientation session in the future for the new folks that are appointed.

The next meeting will be held on Thursday, December 4, 2008 at 5:30 p.m., at Murrays Restaurant, 3955 Harrodsburg Rd., Lexington, KY.

### **Application Review**

A motion was made by Jim Bronson to accept all **29** applications since the last meeting; seconded by Pat Fisher. Motion carried unanimously.

The following **Student applications (13)** were approved:

Suzette M. Beaty, Brad A. Dehart, Kristy M. Gaston, Christopher S. Grangier, Benjamin J. Harp, Dorothy L. Isomura, Aimee C. Keen, Tara A. Kitchen, Heather R. Lewis, Jarred S. Perdue, Zachary T. Simpson, Martin W. Sparks and Rita J. Steele.

The following **Temporary applications (1)** were approved:

Melinda K. Cooler.

The following **NBRC applications (5)** were approved:

Amit G. Bhatt, Chris A. Garrison, Kayla M. Toon, Allison R. Walker and Ellen Walton.

The following **Reciprocity applications (10) were** approved:

Kenneth J. Blackburn, Joleen A. Ford, Carol A. Harrison, Jessica A. Mayes, Hannah J. Meagher, Keri A. Powers, Teresa A. Shaffer, Christopher W. Spoon, Merri K. Toler and Penny E. Turnmire.

Jeff Knight made a motion to adjourn the meeting at 8:20 p.m.; seconded by Jim Bronson. Motion carried unanimously.

---

Dr. B.T. Westerfield, Chair  
KY Board of Respiratory Care